

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
W.A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA, and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiffs,

vs. No. 05-CV-0329 GFK-SAJ

TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants.

VIDEO DEPOSITION OF DANIEL JOSEPH PARRISH
TAKEN ON BEHALF OF THE DEFENDANTS
ON JANUARY 14, 2008, BEGINNING AT 9:37 A.M.
IN OKLAHOMA CITY, OKLAHOMA

Videographer: Stephanie Britton
Reported by: Lana L. Phillips, CSR, RPR

APPEARANCES:

On behalf of the PLAINTIFF STATE OF OKLAHOMA:

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1 **A** Yes.

2 **Q** ODAFF has the power to compel
3 violators to comply with the law, including the
4 power to shut down registered poultry feeding
5 operations.

6 **A** Yes.

7 **Q** ODAFF receives sampling data from
8 the Illinois River watershed.

9 **A** Yes. Much of that sampling data
10 comes from the operations or the applicators.

11 **Q** ODAFF has the power to change the
12 animal waste management guidelines, if it deems
13 it necessary, to protect the water, environment,
14 and human health.

15 **A** By statute, yes.

16 **Q** Has ODAFF made any finding or
17 determination that the land application of
18 poultry waste in the Illinois River watershed is
19 presenting an imminent and substantial risk of
20 harm to the environment?

21 **A** The answer to that is no. But I
22 cannot stop at no. We do not have staff or time
23 -- by the time we get done doing our daily
24 required activities, we don't have staff or time
25 to make those determinations.

1 **Q** But no such determination has been
2 made by ODAFF; correct?

3 **A** That is correct.

4 **Q** Has ODAFF made a finding or
5 determination that the land application of
6 poultry waste in the Illinois River watershed is
7 presenting an imminent and substantial risk of
8 harm to human health?

9 **A** No. The Department of Agriculture
10 has not, but -- do not have staff, budget, or
11 time to be able to even think about doing that.

12 **Q** Has ODAFF made any finding or
13 determination that the practice of land
14 application of poultry waste in the Illinois
15 River watershed should be stopped?

16 **A** One more time, please.

17 **Q** Has ODAFF made a finding or
18 determination that the practice of land-applying
19 poultry waste in the Illinois River watershed
20 should be stopped?

21 **A** A determination has not been made,
22 but I believe there have been instances where
23 there have been individuals who have been made to
24 stop, because of soil samples we've collected or
25 they've submitted to us.

1 **Q** But there -- but ODAFF has not made
2 a finding or recommendation that the practice in
3 total should be prohibited in the Illinois River
4 watershed?

5 **A** No. Based upon that question you
6 just asked.

7 **Q** To your knowledge, was anyone at
8 ODAFF consulted about this lawsuit before it was
9 filed?

10 MR. GARREN: Objection.

11 THE WITNESS: I can only speak of
12 myself -- that I was told after it was filed.
13 Whether anyone else in the agency -- I'm a peon.
14 There's lots of people way above me. I do not
15 know whether there were other people that were
16 consulted.

17 **Q** (BY MR. McDANIEL) The question was:
18 To your knowledge, was anyone at ODAFF consulted
19 about this lawsuit before it was filed?

20 If I understand your answer, it is,
21 to your knowledge, no.

22 Is that an accurate answer?

23 **A** No. To my knowledge, I am not aware
24 of it.

25 **Q** To your knowledge, was anyone at